

MEMORANDUM FOR THE FILESSUBJECT: ~~Suit Against the United States~~

34 American Jurisprudence, Literary Property and Copyright, § 21.

"For Protection of Information and News. Relief is granted to one who has property in information or news on the principle of unfair competition rather than on the principles of literary property. Thus, where rival news agencies or rival telegraph companies attempt to appropriate news or information which one or the other has gathered before it has become public property and in such a manner as to interfere with the business of the owner, protection will be granted against such interference. News gathered by a press agency and distributed to newspapers for publication is entitled to protection against its being printed or appropriated verbatim by a radio station in broadcasting such news, even though this would necessarily be done without charge. In the exercise of its right to obtain relief to prevent the bodily appropriation of its news matter by another agency, either in its original form or after rewriting and without independent investigation and verification, the fact that the complaining agency is itself in the practice of taking the news of its rival as a "tip" to be investigated does not debar it from equitable relief, such practice being a common one among news agencies. Equitable relief is usually granted in the form of an injunction. Where a party has not only obtained knowledge of the secret code or system of another, but has wrongfully made a copy of such system, a court of equity, to prevent the former from fraudulently making a disclosure of the secret, will ~~prevent the former from~~ not only enjoin him, but will also take into its possession, by means of a receiver, such wrongfully made copy to prevent frauds and if, on the trial, the facts alleged are established, the court will be justified in placing such copy in the hands of the plaintiff, or at least in seeing that the plaintiff's secret marks therein are erased or canceled.

"A broker's customer does not have such a property right in the broker's records of his account as will permit him to enjoin the broker's compliance with a subpoena duces tecum requiring the production of such records."